

REMARKS

Claims 1-31 stand rejected on prior art grounds. Claims 3, 14, 19, and 22 are cancelled; new claims 32, 33, 34, and 35 are added; and thus, claims 1-2, 4-13, 15-18, 20-21, and 23-35 are all the claims pending in the application. Applicants respectfully traverse the rejections based on the following discussion.

I. The Prior Art Rejections

Claims 1-22, 24-25, and 27-30 stand rejected under 35 U.S.C. §102(b) as being anticipated by Staples, et al. (U.S. Patent No. 5,889,845), hereinafter referred to as Staples. Claim 23 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Staples, in view of Thiemer, et al. (U.S. Patent No. 5,544,321), hereinafter referred to as Thiemer '321'. Claim 26 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Staples, in view of Smith (U.S. Patent No. 6,774,796). Claim 31 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Staples, in view of Thiemer, et al. (U.S. Patent No. 5,493,692), hereinafter referred to as Thiemer '692'. Applicants respectfully traverse these rejections based on the following discussion.

The claimed invention provides a method for routing a communication connection request comprising using context information for a communication connection requestor and/or a called party to determine a communication connection action. In the rejection, the Office Action argues that Staples discloses using context information for a called party to assist in determining a communication action. However, Staples merely discloses establishing a "virtual presence" at the corporate office by using the corporate

10/707,900

11

office WATTS line to make a long distance telephone call to an external party at a much reduced rate, just as if the user were physically located in the corporate office. Staples does not disclose using context information for a called party to assist in determining the communication action. Furthermore, although the OA asserts that Thierner discloses using a calendar of a *user (i.e., a caller)* to determine a communication connection action, Thierner fails to teach or suggest using a calendar of the *called party* to determine the communication connection action. Therefore, as explained in greater detail below, Applicants respectfully submit that the prior art of record does not teach or suggest the claimed invention.

A. The rejection based on Staples

The Office Action argues that Staples discloses using context information for a called party to assist in determining the communication action (Office Action, p. 7, item 15). Specifically, the Office Action argues that column 26, lines 5-16 of Staples discloses that if a remote user at his home desires to make a long distant telephone call to an external party located in a different area of the country, the user simply performs the dialing routine to access the corporate office WATTS line at the corporate office, just as if the remote user were physically located in the corporate office. Thus the remote user can obtain and use the corporate office WATTS line to make a long distance telephone call to an external party at a much reduced rate, just as if the user were physically located in the corporate office.

However, Staples does not teach using context information for a called party to determine a communication connection action. Specifically, Staples does not determine a communication connection action using information from the called party's calendar, location, policy, availability, connectivity, or connections status. Rather, Staples merely discloses connecting to the corporate office resources in order to make a long distance phone call at a reduced rate. Moreover, Staples fails to teach determining a communication connection action using corporate or personal data of the called party from sensors that detect motion, sound, light, or pressure deployed in spaces frequented by said called party, or from radio frequency identification readers that detect the presence of companion devices that have been provisioned with identification numbers associated with the called party. Further, Staples fails to teach determining a communication connection action using corporate or personal data of the called party from a location, activity, or network address of a personal device of the called party, wherein the personal device could include a cellular telephone, office telephone, home telephone, laptop computer, desktop computer, or automobile.

Staples does not teach or suggest using corporate or personal data of the called party to determine a communication connection action. Rather, Staples merely discloses establishing a "virtual presence" at the corporate office by using the corporate office WATTS line to make a long distance telephone call to an external party at a much reduced rate, just as if the user were physically located in the corporate office.

Accordingly, it is Applicants' position that Staples fails to teach or suggest the claimed feature of "using ... context information for a called party to determine a

communication connection action", as defined by independent claims 1, 12, 17, 27, and 28; or, "at least one processor operative to route a caller's call based upon ... context information for a called party", as defined by independent claim 29.

Furthermore, Staples fails to teach or disclose the claimed feature "wherein said using of said context information for said called party to assist in determining said communication connection action comprises using said context information for said called party comprising at least one of a called party location; a called party policy; a called party availability; a called party connectivity; a called party connections status; and at least one of corporate and personal data of said called party from at least one of sensors that detect at least one of motion, sound, light, and pressure deployed in spaces frequented by said called party, radio frequency identification readers that detect the presence of companion devices that have been provisioned with identification numbers associated with said called party, and at least one of a location, activity, and network address of at least one a personal device of said called party, comprising at least one of a cellular telephone, an office telephone, a home telephone, a laptop computer, a desktop computer, and an automobile", as defined by dependent claims 32, 33, and 34; or, the claimed feature "wherein said context information for said called party further comprises at least one of a called party location; a called party policy; a called party availability; a called party connectivity; a called party connections status; and at least one of corporate and personal data of said called party from at least one of sensors that detect at least one of motion, sound, light, and pressure deployed in spaces frequented by said called party, radio frequency identification readers that detect the presence of companion devices that

10/707,900

14

have been provisioned with identification numbers associated with said called party, and at least one of a location, activity, and network address of at least one a personal device of said called party, comprising at least one of a cellular telephone, an office telephone, a home telephone, a laptop computer, a desktop computer, and an automobile", as defined by dependent claim 35.

B. The rejection based on Staples in view of Thiemer

The Office Action argues that Thiemer discloses using a calendar of a user to determine a communication connection action (Office Action, p. 8-9, item 19). More specifically, the Office Action asserts that Thiemer discloses a User Agent 100 that locates and reads user calendar information of an identified user. The user's calendar information may include a wide variety of user-specific information, including meetings that are scheduled, and reminder notes that the user wishes to have delivered under various circumstances depending upon time, location, or context of the user (col. 10, lines 28-38 of Thiemer).

However, although the Office Action asserts that Thiemer discloses using a calendar of a *user (i.e., a caller)* to determine a communication connection action, Thiemer fails to teach or suggest using a calendar of the *called party* to determine the communication connection action.

As described in paragraph 0067 of Applicants' disclosure, if two parties intend to meet, and only one has placed the appointment on the calendar, the method allows the party without the calendar entry to dial in first (i.e., the caller) and later be conferenced

with the appropriate colleague (i.e., the called party with the calendar entry). Conversely, in Thiemer, using only the caller's calendar to determine the communication connection action would not have resulted in a conference with the colleague because the caller did not place the appointment in his/her calendar.

Applicants submit that nothing within Thiemer mentions using the calendar of the *called party* to determine the communication connection action. Therefore, Thiemer does not teach or suggest the claimed feature of "using ... context information for a called party to determine a communication connection action, wherein said context information for said called party comprises a called party calendar", as defined by independent claims 1, 12, 17, 27, and 28; or, "at least one processor operative to route a caller's call based upon ... context information for a called party, wherein said context information for said called party comprises a called party calendar", as defined by independent claim 29.

C. The rejection based on Staples in view of Smith

As more fully discussed above, Staples fails to teach or suggest using context information for a called party to determine a communication connection action. Rather, Staples merely discloses establishing a "virtual presence" at the corporate office by using the corporate office WATTS line to make a long distance telephone call to an external party at a much reduced rate, just as if the user were physically located in the corporate office. Therefore, Applicants submit that whether it would have been obvious to one of ordinary skill within the art to combine the teachings of Smith to the invention of Staples

10/707,900

16

is moot because the proposed combination of Staples and Smith would not have resulted in the claimed invention.

Accordingly, it is Applicants' position that the proposed combination of Staples and Thiemer or Smith does not teach or suggest many features defined by independent claims 1, 12, 17, 27, 28, 29 and that such claims are patentable over the prior art of record. Further, it is Applicants' position that dependent claims 2, 4-11, 13, 15-16, 18, 20-21, 23-26, and 30-35 are similarly patentable, not only because of their dependency from a patentable independent claims, but also because of the additional features of the invention they defined. In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw the rejections.

II. Formal Matters and Conclusion

With respect to the rejections to the claims, the claims have been amended, above, to overcome these rejections. In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw the rejections to the claims.

In view of the foregoing, Applicants submit that claims 1-2, 4-13, 15-18, 20-21, and 23-35, all the claims presently pending in the application, are patentably distinct from the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary. Please charge any

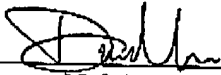
10/707,900

17

deficiencies and credit any overpayments to Attorney's Deposit Account Number 50-0510.

Respectfully submitted,

Dated: 6/26/06


Duane N. Moore
Registration No. 53,352

Gibb I.P. Law Firm, LLC
2568-A Riva Road, Suite 304
Annapolis, MD 21401
Voice: (410) 573-6501
Fax: (301) 261-8825
Customer Number: 29154

10/707,900

18